

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

1) TIM BLEYTHING; and	)	
2) JAMIE BLEYTHING,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. <u>5:23-cv-00764-PRW</u>
	)	
3) NORTH AMERICAN VAN LINE, INC.	)	
4) A-1 FREEMAN MOVING &	)	
STORAGE, LLC.,	)	
	)	
Defendants.	)	

**DEFENDANT NORTH AMERICAN VAN LINE, INC.’S UNOPPOSED MOTION  
FOR LEAVE TO FILE ANSWER OUT OF TIME**

Defendant North American Van Line, Inc. (“NAVL”), pursuant to LCvR6.3, submits this Motion to seek leave to file its Answer out of time. In support of this Motion, NAVL states the following:

1. Plaintiffs filed this action in the District Court of Oklahoma County, State of Oklahoma on May 15, 2023.
2. Defendants were served on August 10, 2023.
3. Defendants timely removed this matter to this court on August 30, 2023.
4. Thereafter, Defendants filed a motion to dismiss.
5. On September 27, 2024, the motion was granted in part and denied in part by Order (the “Order”). Within in, Defendant A-1 Freeman Moving & Storage, LLC was dismissed in whole. The state law claims were dismissed, and the Court determined that a Carmack claim remained.

6. The remaining Defendant, NAVL, was unsure as to whether the Plaintiff was to file an amended Petition because the current Petition specifically lists and details the elements for its now-dismissed state law claims, and Defendant was unsure how to appropriately file its answer to the converted Carmack claim.

7. Further, after the Order was filed, NAVL contacted Plaintiff to determine possible next steps for the case going forward.

8. After the circumstances in paragraphs 5 and 6 concluded, it became clear that Defendant needed to file its answer to the Petition on October 11, 2024, which has passed.

9. The undersigned counsel has contacted Plaintiffs' counsel to advise of NAVL's intention to seek leave from the Court to file its answer out of time. Plaintiff's counsel does not object to the Court granting leave for NAVL to file its Answer out of time considering the circumstances.

10. NAVL seeks leave until November 15, 2024 to file its answer in this case.

11. The requested extension is made in good faith and is not sought for the purposes of delay.

12. No previous extensions of time have been sought in this matter.

13. The requested extension will not impact any trial or scheduled deadlines, as none currently exist.

14. A proposed order is submitted contemporaneously to chambers.

WHEREFORE, Defendant North American Van Lines, Inc. respectfully requests that the Court grant an extension of time in which to answer or otherwise respond to Plaintiff's Petition to November 15, 2024.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

/s/Stuart D. Campbell

---

Stuart D. Campbell, OBA #11246  
700 Williams Center Tower II  
Two West Second Street  
Tulsa, Oklahoma 74103-3522  
Telephone 918-582-1211  
Facsimile 918-591-5360  
scampbell@dsda.com

Kaylee Davis-Maddy, OBA No. 31534  
210 Park Avenue, Suite 1200  
Oklahoma City, OK 73102  
Telephone (405) 319-3513  
Facsimile (405) 319-3524

*Attorneys for Defendant North American Van  
Line, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 5, 2024, a true and correct copy of the foregoing document was served upon the following via the Court's electronic notification system, electronic mail, and/or U.S. Mail, postage prepaid:

Alan W. Bardell  
Tanner B. France  
HAYES MAGRINI GATEWOOD  
1220 N. Walker Avenue  
Oklahoma City, OK 73103  
Telephone: 405-235-9922  
Facsimile: 405-235-6611  
Email: [abardell@hmglawyers.com](mailto:abardell@hmglawyers.com)  
[tfrance@hmglawyers.com](mailto:tfrance@hmglawyers.com)

*/s/Stuart D. Campbell*  
\_\_\_\_\_  
*Attorneys for Defendant North American Van  
Line, Inc.*